IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1086 of 1998

in

SPECIAL CIVIL APPLICATION No 26 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and Sd/-

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

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NARAINDAS MOTIRAM TEHELYANI

Versus

GUJARAT WATER RESOURCES & DEVELOPMENT CORPORATION LTD.

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Appearance:

MR KM PATEL for Petitioner

MR PARESH UPADHYAY for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2

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CORAM : MR.JUSTICE R.K.ABICHANDANI and

MR.JUSTICE D.H.WAGHELA

Date of decision: 16/12/1999

ORAL JUDGEMENT (Per R.K.Abichandani, J.)

The applicant seeks initiation of contempt proceedings against the respondent for the alleged breach of the judgment and order dated 14.7.1997 of this Court in Special Civil Application No.26 of 1995 by which the respondent - Corporation was directed to consider the claim of the petitioner for promotion to the post of Superintending Engineer in accordance with the relevant Recruitment Rules.

2. In their affidavit-in-reply, the respondents Nos.1 & 2 have stated that, pursuant to the directions of the High Court, the case of the petitioner for promotion to the post of Superintending Engineer was considered by the Personnel Committee of the Corporation, which is the competent authority for this purpose, in its meeting dated 3.7.1998 and that after considering all the aspects, the Committee did not find the petitioner suitable for promotion for the said post. It is stated that, as per the rules, the promotion to the said post is to be given to the officers working in the feeder cadre after considering seniority and fitness.

3. It is thus clear that the directions of this Court contained in the order dated 14.7.1997 in Special Civil Application No.26 of 1995 have been duly complied with. There is therefore no ground for taking any action under the provisions of the Contempt of Courts Act, 1971 against any of the respondents. Rule is discharged with no order as to costs.

(KMG Thilake)
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